

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
GREENVILLE DIVISION**

IN RE:)	
)	
CAH ACQUISITION COMPANY #1,)	Case No. 19-00730-5-JNC
LLC, d/b/a WASHINGTON COUNTY)	
HOSPITAL,)	Chapter 11
)	
Debtor.)	
_____)	
IN RE:)	
)	Case No. 19-01229-5-JNC
CAH ACQUISITION COMPANY 12,)	
LLC, d/b/a FAIRFAX COMMUNITY)	Chapter 11
HOSPITAL,)	
)	
Debtor.)	
_____)	

**EMERGENCY EX PARTE MOTION TO APPOINT CHAPTER 11 TRUSTEE AND
FOR AUTHORIZATION TO USE CASH COLLATERAL**

COMES NOW the Bankruptcy Administrator for the Eastern District of North Carolina (“BA”), by and through her undersigned counsel, and respectfully files this Emergency Ex Parte Motion to Appoint Chapter 11 Trustee and for Authorization to Use Cash Collateral; and, in support thereof, shows unto the Court the following:

1. On April 11, 2018, this Court entered an Order transferring CAH Acquisition Company 12, LLC D/B/A Fairfax Community Hospital (“CAH # 12”) from the Northern District of Oklahoma to the Eastern District of North Carolina.
2. The transferred case does not yet appear to have been docketed within the E.D.N.C.’s CM/ECF system.
3. The undersigned is informed that the transfer of CAH #12 has had the effect of paralyzing CAH# 12’s operations. Upon further information, employees may not be being paid

and as a result may be walking off the job. The undersigned reiterates that the information contained within this paragraph is based on information that is at best double-hearsay, given the distance from the Debtor's place of business he has no ability to independently corroborate these assertions.

4. Given the nature of CAH #12's operations, a hospital that provides care to patients, any disruption in services provided could result in immediate and irreparable harm to the well-being and health of patients under the Debtor's care. Further, a disruption in services could result in immediate and irreparable harm to the bankruptcy estate. As a result, the emergency posed by this situation warrants the immediate ex parte appointment of an interim Chapter 11 Trustee.

5. The BA requests that Thomas W. Waldrep, Jr., be immediately appointed interim Chapter 11 Trustee of CAH #12.

6. The BA further requests the Court authorize the use of estate funds the Trustee deems necessary to prevent immediate and irreparable harm to patients and the bankruptcy estate, including the use of funds that may constitute the cash collateral of secured creditors. Such use to be authorized until such time as the Court can schedule a hearing on this matter.

7. The BA brings this motion pursuant to 11 U.S.C. §§ 105, 1104, and 363.

WHEREFORE, the Bankruptcy Administrator respectfully requests: the Court appoint Thomas W. Waldrep, Jr., interim Chapter 11 trustee of CAH #12; that the Court authorize the use of estate funds, including funds that may constitute the cash collateral of secured creditors, as is necessary to prevent immediate and irreparable harm to patients and the estate; and, requests that the Court grant such other relief as the Court deems just and proper.

Respectfully submitted, this 12th day of April, 2019.

Marjorie K. Lynch
Bankruptcy Administrator

By: /s/ Brian C. Behr
Brian C. Behr
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CERTIFICATE OF SERVICE

I, Brian C. Behr, of 434 Fayetteville Street, Suite 640, North Carolina, 27601, certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age.

That on this day, I served copies of the foregoing document electronically upon counsel of record:

I certify under penalty of perjury that the foregoing is true and correct.

Dated this 12th day of April, 2019.

Marjorie K. Lynch
Bankruptcy Administrator

/s/Brian C. Behr
Brian Behr
Senior Staff Attorney
USBA – EDNC